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OFFICE OF PETITIONS

In re Application of :  
Herbert O. Funsten, et al. :  
Patent No. 7,019,446 :  
Application No. 10/671,109 :  
Filed: September 25, 2003 :  
Attorney Docket No. S-100,630 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 in the above identified patent. Note that a separate copy of every paper must be furnished for each file to which the paper pertains. See 37 CFR 1.4(b). This Notice only relates to your request in the above identified patent file, and not to the other applications listed on the request.

Your fee deficiency submission under 37 CFR 1.28 is **NOT ACCEPTED**.

The request was not signed by a person having the authority to prosecute the application before the Patent Office.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

- (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
  - (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
  - (3) An assignee as provided for under § 3.71(b) of this chapter; or
  - (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by a Patent Paralegal who has not been given power of attorney.

Inquiries related to this communication should be directed to Terri Johnson at (571) 272-2991.

A handwritten signature in black ink, appearing to read "Chris Bottorff".

Chris Bottorff  
Petitions Examiner  
Office of Petitions